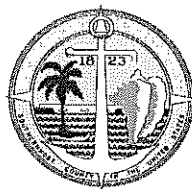


October 8, 2008



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission Chair and Members

Through: Townsley Schwab, Planning Director

From: Susan Grimsley, Assistant County Attorney

Date: September 26, 2008

Re: Amendment to Land Development Regulations Secs. 9.5-68 and
9.5-69 Concerning Conditional Uses

For: Meeting of October 8, 2008

Proposal: To amend Sections 9.5-68 and 9.5-69 concerning Conditional Uses to reflect actual practice and eliminate obsolete provisions.

Process: The BOCC may consider changes to the text recognizing one of the six factors in Sec. 9.5-511(5)b. The DRC has reviewed the proposal. The Planning Commission has held one public hearing on July 23, 2008. The ordinance was continued until September 19, 2008; however that meeting was cancelled because of Hurricane Ike. The ordinance was re-noticed for October 8, 2008. The BOCC must hold one public hearing.

Analysis: The proposed ordinance amendment meets the following criteria:

Sec. 9.5-511(5)b. (iv) **New issues**

(v) **Recognition of a need for additional detail or
comprehensiveness**

1. For minor conditional uses, upon recommendation of staff a development order must be issued within thirty working days after the meeting of the DRC, instead of ten days. Planning Commission meetings follow the day after the DRC, and in many cases, staff is already preparing for the following Planning Commission meeting two weeks later. This is a much more realistic time frame.

September 26, 2008

1 1. For minor conditional uses, upon recommendation of staff a development order
2 must be issued within thirty working days after the meeting of the DRC, instead of ten
3 days. Planning Commission meetings follow the day after the DRC, and in many cases,
4 staff is already preparing for the following Planning Commission meeting two weeks
5 later. This is a much more realistic time frame.
6

7 2. Section 9.5-68 has been changed to confirm that the consideration of a review of a
8 decision by the Planning Director on a minor conditional use is an appeal from his
9 administrative action. The appeal is to the Planning Commission as are all administrative
10 appeals.
11

12 3. 9.5-68(f) is then eliminated as redundant, as this is stated elsewhere in the code.
13

14 4. The development review committee actually comments to responsible staff and
15 the Planning Director and does not make a formal recommendation to the Planning
16 Commission. Wording has been changed in both sections 9.5-68 and 9.5-69 to reflect
17 that process. In the future, the DRC section will be revised to clarify this procedure.
18

19 5. In regard to major conditional uses, the DRC shall review the complete
20 application within thirty working days. Upon a recommendation, staff has thirty working
21 days to advertise the item for a hearing. This is in line with actual practice in order to do
22 staff reports, meet advertising deadlines and coordinate meeting dates with the applicant.
23

24 6. The Planning Commission resolution shall be signed within **thirty calendar days**
25 of the meeting. This time is now linked to the Planning Commission meeting, and not to
26 delivery of the application to the development review coordinator.
27

28 7. In regard to major conditional uses, section 9.5-69 eliminates the requirement to
29 give notice after-the-fact on a conditional use. This provision has not been used within
30 recent memory. Notice is already sent before and public participation is evident.
31

32 8. Appeals must be made within thirty days of the Planning Commission's written
33 decision or resolution, not after sending written notice after- the - fact, as mentioned in
34 paragraph 7.
35

36 **Recommendation:** Staff recommends approval.
37